

# EMERGENCY PURCHASE AFFIDAVIT

Reference # \_\_\_\_\_

Chief Procurement Officer (CPO) making a procurement under Illinois Procurement Code (30 ILCS 500/20-30) shall file affidavit with Procurement Policy Board and Auditor General within 10 days.

Agency: Capital Development Board

Division: \_\_\_\_\_

Address: 401 South Spring Street

City: Springfield

State: IL

Zip: 62706

Vendor: Baysinger Design Group, Inc.

Address: 401 N Market Street

City: Marion

State: IL

Zip: 62959

State of Illinois )

: SS

County of Sangamon

I, Gus Behnke being duly sworn, solemnly swear and affirm that I am Chief Fiscal Officer.

I have authorized the emergency procurement in accordance with standards as established by law and rule in fulfillment of the emergency purchase affidavit provisions of Illinois Procurement Code [30 ILCS 500/20-30] as follows.

- ☒ Involving threat to public health or public safety.
- ☐ Immediate expenditure is necessary for repairs to State property to protect against further loss of or damage
- ☒ To prevent or minimize serious disruption in critical State services that affect health, safety, or collection of substantial State revenues.
- ☐ To insure integrity of State records
- ☐ Quick purchase as provided by Section 20-30 (d) of the Illinois Procurement Code

The conditions and circumstances requiring this emergency purchase, including reason for selection of the particular contractor are:

CDB inspected the District 9 headquarters roof on Tuesday, March 13, 2012 with Sean Carver, IDOT. In conversations with site staff, CDB learned that they have had Bain Roofing on site many times to little effect. Repairs that have been made by Bain are failing due to the movement of the membrane. This movement is due to the detachment of the fully adhered EPDM membrane. The detachment occurred during the recent storms of February 28<sup>th</sup> and March 2<sup>nd</sup>. At this time of inspection, the membrane was flat because there was no wind. Staff has placed a number of weights on the roof to help hold it down. Even with these weights, it only takes a breeze to raise the roof membrane.

Staff has done what they can to shift all movable equipment from under the leaks. There are many instances of leaks in areas of electrical panels, outlets, electric heaters, etc. While not directly under a leak, the fire alarm system is in the general vicinity. These leaks pose a severe life/safety issue for employees. Many leaks are worsening and causing damage to the structure. If not addressed soon, repairs will increase significantly.

The steel deck will need pull-out testing to determine if it will support mechanical attachment of the insulation and if so, what type. The wood deck has large areas of rotted decking along the perimeter. It will need some testing as well to determine the extent of the replacement and adequacy of the remainder of the deck. The estimated cost includes design services and construction.

The Capital Development Board acknowledges that completion of the emergency work outlined above may exceed 90 days in duration.

Expected Start Date: 3/16/2012

Expected End Date: 6/14/2012

Extension of previous emergency purchase: ☐ Yes or ☒ No

Term of emergency procurement shall not exceed 90 days. Contract may be extended beyond 90 days if CPO determines additional time is necessary; however, prior to execution of extension, CPO must hold a public hearing and provide written description.

Amount of this expenditure is: \$ \_\_\_\_\_ ☐ Actual or \$ 350,000 ☒ \*Estimated

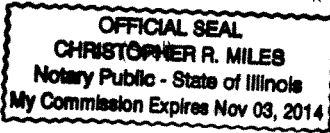
\*When only an estimate of cost is available, the actual cost shall be reported immediately after it is determined.

I am duly authorized to make this affidavit. I know and understand the contents of this affidavit and all statements herein are true and correct. This affidavit is made pursuant to and in fulfillment of the requirements of Illinois Procurement Code [30 ILCS 500/20-30].

Guo B. B. B.

Signature of Affiant

Subscribed and sworn before me this 19 day of March 2012.



Christopher R. Miles

Notary Public

My Commission expires: 11/3/14

Section 20-30. Emergency purchase

(a) Conditions for use. In accordance with standards set by rule, a purchasing agency may make emergency procurements without competitive sealed bidding or prior notice when there exists a threat to public health or public safety, or when immediate expenditure is necessary for repairs to State property in order to protect against further loss of or damage to State property, to prevent or minimize serious disruption in critical State services that affect health, safety, or collection of substantial State revenues, or to ensure the integrity of State records; provided, however, that the term of the term of the emergency purchase shall be limited to the time reasonably needed for a competitive procurement, not to exceed 90 days. A contract may be extended beyond 90 days if the chief procurement officer determines additional time is necessary and that the contract scope and duration are limited to the emergency. Prior to the execution of the extension, the chief procurement officer must hold a public hearing and provide written justification for all emergency contracts. Members of the public may present testimony. Emergency procurements shall be made with as much competition as is practicable under the circumstances. A written description of the basis for the emergency and reasons for the selection of the particular contractor shall be included in the contract file.

(b) Notice. Notice of all emergency procurements shall be provided to the Procurement Policy Board and published in the online electronic Bulletin no later than 3 business days after the contract is awarded. Notice of intent to extend an emergency contract shall be provided to the Procurement Policy Board and published in the online electronic Bulletin at least 14 days before the public hearing. Notice shall include at least a description of the need for the emergency purchase, the contractor, and if applicable, the date, time and location of the public hearing. A copy of this notice and all documents provided at the hearing shall be included in the subsequent Procurement Bulletin. Before the next appropriate volume of the Illinois Procurement Bulletin, the purchasing agency shall publish in the Illinois Procurement Bulletin a copy of each written description and reasons and the total cost of each emergency procurement made during the previous month. When only an estimate of the total cost is known at the time of publication, the estimate shall be identified as an estimate and published. When the actual total cost is determined, it shall also be published in like manner before the 10th day of the next succeeding month.

(c) Affidavits. A chief procurement officer making a procurement under this Section shall file affidavits with the Procurement Policy Board and the Auditor General within 10 days after the procurement setting forth the amount expended, the name of the contractor involved, and the conditions and circumstances requiring the emergency procurement. When only an estimate of the cost is available within 10 days after the procurement, the actual cost shall be reported immediately after it is determined. At the end of each fiscal quarter, the Auditor General shall file with the Legislative Audit Commission and the Governor a complete listing of all emergency procurements reported during that fiscal quarter. The Legislative Audit Commission shall review the emergency procurements so reported and, in its annual reports, advise the General Assembly of procurements that appear to constitute an abuse of this Section.

(d) Quick purchases. The chief procurement officer may promulgate rules extending the circumstances by which a purchasing agency may make purchases under this Section, including but not limited to the procurement of items available at a discount for a limited period of time. (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

For continuation if necessary:

Reference # \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

# MEMORANDUM

**TO:** Capital Programs  
Capital Development Board

**FROM:** Sean Carver  
(Name of Agency)

**DATE:** 15-Mar-11

**SUBJECT:** Emergency Purchase Request

The Illinois Department of Transportation is requesting that the Capital Development Board take action to procure, on an emergency basis, one or more contracts to address an emergency need of the State.

This situation meets the following condition(s) for use as set forth in 30 ILCS 500/20-30:

- ☒ There exists a threat to public health or public safety.
- ☒ Immediate expenditure is necessary for repairs to State property in order to protect against further loss or damage.
- ☒ It is necessary to prevent or minimize serious disruption in State services.
- ☐ It is necessary to insure the integrity of State records.

Specific justification for the emergency conditions listed above are as follows:  
(Please attach relevant documentation)

Recent storms have further compounded a bad situation at the Traffic Building located in the IDOT District 9 Carbondale Headquarters. The roof has been unsuccessfully repaired several times and has failed to stop water from leaking inside the building. The storms between February 28th & March 2nd detached the membrane roof from the roofing structure opening up the inside of the building and exposing more areas to water damage. Water damage is evident near electrical panels and mechanical equipment posing a life/safety threat to employees working in the building. Sand bags have been placed on the roof but any significant wind could further detach the roof & could launch the sandbags onto the surrounding parking lot posing a hazard to personnel around the building.

I am Sean Carver, Capital Improvement Engineer at IDOT  
(Please give official title and office.)

*We understand that CDB will coordinate with its CPO who will make all appropriate postings to the Procurement Bulletin and will file all necessary affidavits and updates with the Auditor General.*